1952. **File No.** Munis. Dist. II/52 (N)

Legal Department

B. **BRANCH**

P.C.(E) 1952

Subject:— Notifications under the Bombay District Municipal Act, 1901.

File No. Munis. Dist. II/52. (N)

LEGAL DEPARTMENT.

In this particular case, apart from the grievance of Shri Vora, who is a councillor, the subjects have a right to approach Government under section 73 of the Bombay Municipal District Act, 1901. If any councillor has committed irregularities, he has ample powers under the Act to discuss such irregularities at a meeting of the Municipality. The circular is meant for councillors and is in order.

Id./..... 16/1

Additional Secretary to Governmer

U.R. to L.S.G.& P.H.D. 609, dated the 16th January 19 52.

SMR 3-7-56
4 Copies.

Legal Department.

At the meeing covened under section 23(9) of the Bombay District Municipal Act, 1901, the Mamlatdar who was the officer authorised by the Collector to preside at the meeting was the integral part thereof. He should have, therefore, presided until the election of the President and Vice President was completed. The procedure followed by the Mamlatdar was illegal and cannot be cured by section 38. (See 38 Bom. L.R. 1314). The view taken by L.S.G.& P.H.Department is correct. The Collector willhave now to call a fresh meeting, under section 23(8) read with section 23(13) of the Act.

Id./..... 22/5
Additional Secretary to Govt.

U.R. to L.S.G.& P.H.D.No. 8597, dated the 22 May 1952.

SMR 3-7-56
4 Copies.

Legal Department.

In place of the draft notification at pages 73 and 87 ante, two revised draft notifications are sent herewith.

2 It is necessary to include in the notification Schedule B at pages 88-89 which describes the area of Belgaum municipality as altered. Under subsection(3) of section 4 of the Bombay Municipal Boroughs Act, 1925, the notification under sec. 4 altering the limits of a borough municipality is to set forth the local limits of the area to be included in the municipal borough concerned. The area under Schedule A may only be notified.

Id./..... 17/6

Additional Deputy Secretary to Govt.

U.R. to L.S.G.& P.H.D.No. 10094, dated the 17th June 1952.

SMR 3-7-56
4 Copies.

Legal Department.

Under Government Notification, General Department, No. 5123 dated the 20th May 1937, the Government has already declared the term of the periodical Municipality of Gokarn in the Kumta taluka of the Kanara District to be for a period of nine months from the 1st day of October to 30th day of June in each year. It appears from the last paragraph of the letter from the Vice-President, Gokarn Municipality, at pp. 1-3 ante that for the last 8 years or so members of the said Municipality are nominated for one year only. The Director of Local Authorities, Southern Division, in his letter at page 43 ante, has observed that formerly triennial nomination was in vogue. If so, the change of the term of office from 3 years to one year must have been done under Government Order. The proposal now made in these papers is to revive the triennial nomination. Government Orders providing for the triennial and annual nominations to the Municipality do not appear to have been forwarded by the L.S. G.& P.H. Department in these papers. To achieve the purposein view Government Orders providing for the annual nomination will have to be suitably amended. Before the draft notification at page 55 ante is, therefore, scrutinized, the L.S.G. & P.H.Department, is requested to forward the copies of the above mentioned

orders to this Department.

2 Attention of the Department is also invited to rule 65 read with rule 61 of the Secretariat Instructions and that Department is requested to forward two clean-typed copies of the draft as required by the said rules and to follow the practice in every case forwarded to this Department for scrutiny.

Id./.....

for Additional Deputy Secretary to Government.

U.R. to L.S.G.& P.H.D.No. 11951 dated the 19th July 1952.

SMR 3-7-56
4 Copies.

Legal Department.

As pointed out in this Department U.R. No. 11951, dated the 19th July 1952, the Government has already declared the term of the periodical municipality of Gokarn to be for a period of nine months from the 1st day of October to 30th day of June in each year. The Government Notification, General Department, No, 5123, dated the 20th May 1937, issued in that behalf is still in operation. It appears that the provisions of section 17 of the Bombay District Municipal Act, 1901, would be applicable to the periodical municipalities also and as such the councillors nominated for the same would hold office for a term of three years as provided in that section. In view of this position it does not appear necessary to issue the notification at page 57 ante as proposed by the Local Self Government and Public Health Department.

Id./..... 23/9

Additional Deputy Secretary to Government.

U.R. to L.S.G. & P.H.D.No. 15667/B dated the 23rd September 1952.

SMR 3-7-56
4 Copies.